

**R315. Environmental Quality, Solid and Hazardous Waste.**

**R315-317. Other Processes, Variances, and Violations.**

**R315-317-1. Other Processes, Methods, and Equipment.**

Processes, methods, and equipment other than those specifically addressed in Rules R315-301 through 320 will be considered on an individual basis by the Executive Secretary upon submission of evidence of adequacy to meet the minimum standards of performance to protect human health and the environment as required in Section R315-303-2.

**R315-317-2. Variances.**

(1) Variances will be granted by the Board only to the extent allowed under Federal law.

(2) Any owner or operator of a solid waste facility may apply to the Board for a variance from any portion of Rules R315-301 through 320 except as specified in Subsection R315-317-2(1). The application shall be accompanied by such information as the Executive Secretary may require. All applications for a variance shall be subject to the public comment requirements of Subsection R315-311-3. The Board may grant such variance, if it finds that:

(a) the solid waste handling practices or location do not endanger public health, safety, or the environment; and

(b) the application of, or compliance with, any requirement of Rules R315-301 through 320 would cause undue or unreasonable hardship to any person; and

(c) circumstances of the solid waste disposal site location, operating procedures, or other conditions indicate that the purpose and intent of Rules R315-301 through 320 as well as other state and federal regulations can be achieved without strict adherence to all of the requirements.

(3) If a variance is granted by the Board under Section R315-317-2 for a period longer than one year, the variance shall contain a timetable for coming into compliance and shall be conditioned on adherence to that timetable.

**R315-317-3. Violations, Orders, and Hearings.**

(1) Whenever the Executive Secretary or his duly appointed representative determines that any person is in violation of any applicable approved solid waste operation plan or permit or the requirements of Rules R315-301 through 320, the Executive Secretary may cause written notice of violation to be served upon the alleged violators. The notice shall specify the provisions of the plan, permit, or rules alleged to have been violated and the facts alleged to constitute the violation. The Executive Secretary may issue an order that necessary corrective action be taken within a reasonable time or may request the attorney general or the county attorney in the county in which the violation takes place to bring a civil action for injunctive relief and enforcement of the permit requirements or the requirements of Rules R315-301 through 320.

(2) Any order issued pursuant to Subsection R315-317-3(1) shall become final unless, within 30 days after the order is served, the person[s] specified therein files a written request, containing the information specified in Subsection 63-46b-3(3), for agency action before the Board as provided in Section R315-12-3. Title 63, Chapter 46b and Rule R315-12 shall govern the conduct of hearings before the Board.

**KEY: solid waste management, waste disposal**

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